

SENATE BILL No. 578

October 2, 2013, Introduced by Senators JONES and SCHUITMAKER and referred to the Committee on Reforms, Restructuring and Reinventing.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16216 (MCL 333.16216), as added by 1993 PA 87.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16216. (1) The chair of each board or task force shall
2 appoint 1 or more disciplinary subcommittees for that board or task
3 force. A disciplinary subcommittee for a board or task force shall
4 consist of 2 public members and 3 professional members from the
5 board or task force. The chair of a board or task force shall not
6 serve as a member of a disciplinary subcommittee.

7 (2) A final decision of the disciplinary subcommittee finding
8 a violation of this article or article 7 shall be by a majority

1 vote of the members appointed and serving on the disciplinary
2 subcommittee.

3 (3) A final decision of the disciplinary subcommittee imposing
4 a sanction under this article or article 7 or a final decision of
5 the disciplinary subcommittee other than a final decision described
6 in subsection (2) requires a majority vote of the members appointed
7 and serving on the disciplinary subcommittee with an affirmative
8 vote by at least 1 public member.

9 (4) The chairperson of each disciplinary subcommittee shall be
10 a public member and shall be appointed by the chair of the board or
11 task force.

12 (5) ALL OF THE FOLLOWING APPLY FOR PURPOSES OF DETERMINING
13 WHEN A DECISION OF A DISCIPLINARY SUBCOMMITTEE MADE FOR PURPOSES OF
14 SUBSECTION (2) THAT THIS ARTICLE OR ARTICLE 7 WAS VIOLATED, OR A
15 DECISION MADE FOR PURPOSES OF SUBSECTION (3) THAT IMPOSES A
16 SANCTION UNDER THIS ARTICLE OR ARTICLE 7, BECOMES A FINAL DECISION
17 OF THAT SUBCOMMITTEE AND SUBJECT TO JUDICIAL REVIEW:

18 (A) IF A DISCIPLINARY SUBCOMMITTEE MAKES A DECISION FOR
19 PURPOSES OF SUBSECTION (2) THAT THIS ARTICLE OR ARTICLE 7 WAS
20 VIOLATED, OR MAKES A DECISION FOR PURPOSES OF SUBSECTION (3) THAT
21 IMPOSES A SANCTION UNDER THIS ARTICLE OR ARTICLE 7, THE
22 DISCIPLINARY SUBCOMMITTEE SHALL NOTIFY THE DEPARTMENT OF ITS
23 DECISION. THE DEPARTMENT SHALL REVIEW A DECISION OF A DISCIPLINARY
24 SUBCOMMITTEE DESCRIBED IN THIS SUBSECTION WITHIN 60 DAYS AFTER IT
25 IS NOTIFIED OF THE DECISION. IF THE DEPARTMENT DETERMINES THAT THE
26 DECISION OF THE DISCIPLINARY SUBCOMMITTEE DOES NOT PROTECT THE
27 HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, THE DEPARTMENT MAY,

1 WITHIN THAT 60-DAY PERIOD, REQUEST THAT THE APPROPRIATE BOARD OR
2 TASK FORCE REVIEW THE DECISION. IF THE DEPARTMENT DOES NOT REQUEST
3 A REVIEW UNDER THIS SUBDIVISION, THE DECISION OF THE DISCIPLINARY
4 SUBCOMMITTEE BECOMES A FINAL DECISION AT THE END OF THAT 60-DAY
5 TIME PERIOD.

6 (B) IF A BOARD OR TASK FORCE RECEIVES A REQUEST FOR REVIEW OF
7 A DECISION OF ITS DISCIPLINARY SUBCOMMITTEE UNDER SUBDIVISION (A)
8 WITHIN THE 60-DAY TIME PERIOD DESCRIBED IN THAT SUBDIVISION, THE
9 BOARD OR TASK FORCE SHALL REVIEW THE DISCIPLINARY SUBCOMMITTEE'S
10 DECISION WITHIN 180 DAYS AFTER IT RECEIVES THE REQUEST AND DO 1 OF
11 THE FOLLOWING:

12 (i) IF THE BOARD OR TASK FORCE AGREES WITH THE DECISION, IT
13 SHALL NOTIFY THE DEPARTMENT AND DISCIPLINARY SUBCOMMITTEE, AND THE
14 DECISION OF THE DISCIPLINARY SUBCOMMITTEE BECOMES A FINAL DECISION
15 AT THE TIME THE DISCIPLINARY SUBCOMMITTEE RECEIVES THAT
16 NOTIFICATION.

17 (ii) IF THE BOARD OR TASK FORCE DISAGREES WITH THE DECISION, IT
18 SHALL NOTIFY THE DISCIPLINARY SUBCOMMITTEE THAT IT DISAGREES, THE
19 REASON OR REASONS IT DISAGREES, AND WHAT DECISION IT RECOMMENDS.
20 THE DISCIPLINARY SUBCOMMITTEE SHALL REVIEW THE NOTIFICATION FROM
21 THE BOARD OR TASK FORCE, AND AFTER CONSIDERING THE RECOMMENDATION
22 OF THE BOARD OR TASK FORCE, MAKE ITS FINAL DECISION. A FINAL
23 DECISION OF A DISCIPLINARY SUBCOMMITTEE UNDER THIS SUBPARAGRAPH
24 BECOMES A FINAL DECISION WHEN IT IS MADE.